

1 AN ACT concerning natural resources.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by adding
5 Section 5.640 as follows:

6 (30 ILCS 105/5.640 new)

7 Sec. 5.640. The Illinois Department of Natural Resources
8 Permitting Revolving Fund.

9 Section 10. The Fish and Aquatic Life Code is amended by
10 changing Section 1-75 as follows:

11 (515 ILCS 5/1-75) (from Ch. 56, par. 1-75)

12 Sec. 1-75. Resident. "Resident" means a person who in good
13 faith makes application for any license or permit and verifies
14 by statement that he or she has maintained his or her permanent
15 abode in this State for a period of at least 30 consecutive
16 days immediately preceding the person's application, and who
17 does not maintain permanent abode or claim residency in another
18 state for the purposes of obtaining any of the same or similar
19 licenses or permits covered by this Code ~~actually resided in~~
20 ~~this State for at least the 30 consecutive days before the date~~
21 ~~of application and that his or her residence or permanent abode~~
22 ~~is, at the time of making application, in this State. A~~
23 person's permanent abode is his or her fixed and permanent
24 dwelling place, as distinguished from a temporary or transient
25 place of residence. Domiciliary intent is required to establish
26 that the person is maintaining his or her permanent abode in
27 this State. Evidence of domiciliary intent includes, but is not
28 limited to, the location where the person votes, pays personal
29 income tax, or obtains a drivers license. Except for the
30 purposes of obtaining a Lifetime License, any ~~Any~~ person on

1 active duty in the Armed Forces shall be considered a resident
2 of Illinois during his or her period of military duty.

3 (Source: P.A. 87-833.)

4 Section 15. The Wildlife Code is amended by changing
5 Sections 1.2m, 2.26, and 3.37 as follows:

6 (520 ILCS 5/1.2m) (from Ch. 61, par. 1.2m)

7 Sec. 1.2m. "Resident" means a person who in good faith
8 makes application for any license or permit and verifies by
9 statement that he or she has maintained his or her permanent
10 abode in this State for a period of at least 30 consecutive
11 days immediately preceding the person's application, and who
12 does not maintain permanent abode or claim residency in another
13 state for the purposes of obtaining any of the same or similar
14 licenses or permits covered by this Code ~~actually resided in~~
15 ~~this State at least 30 days consecutively preceding the date of~~
16 ~~his application and that his residence or permanent abode is,~~
17 ~~at the time of making application, in this State. A person's~~
18 permanent abode is his or her fixed and permanent dwelling
19 place, as distinguished from a temporary or transient place of
20 residence. Domiciliary intent is required to establish that the
21 person is maintaining his or her permanent abode in this State.
22 Evidence of domiciliary intent includes, but is not limited to,
23 the location where the person votes, pays personal income tax,
24 or obtains a drivers license. Except for the purposes of
25 obtaining a Lifetime License, any ~~Any~~ person on active duty in
26 the Armed Forces shall be considered a resident of Illinois
27 during his or her period of military duty.

28 (Source: P.A. 81-382.)

29 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

30 Sec. 2.26. Deer hunting permits. In this Section, "bona
31 fide equity shareholder" means an individual who (1) purchased,
32 for market price, publicly sold stock shares in a corporation,
33 purchased shares of a privately-held corporation for a value

1 equal to the percentage of the appraised value of the corporate
2 assets represented by the ownership in the corporation, or is a
3 member of a closely-held family-owned corporation and has
4 purchased or been gifted with shares of stock in the
5 corporation accurately reflecting his or her percentage of
6 ownership and (2) intends to retain the ownership of the shares
7 of stock for at least 5 years.

8 In this Section, "bona fide equity member" means an
9 individual who (1) (i) became a member upon the formation of
10 the limited liability company or (ii) has purchased a
11 distributional interest in a limited liability company for a
12 value equal to the percentage of the appraised value of the LLC
13 assets represented by the distributional interest in the LLC
14 and subsequently becomes a member of the company pursuant to
15 Article 30 of the Limited Liability Company Act and who (2)
16 intends to retain the membership for at least 5 years.

17 In this Section, "bona fide equity partner" means an
18 individual who (1) (i) became a partner, either general or
19 limited, upon the formation of a partnership or limited
20 partnership, or (ii) has purchased, acquired, or been gifted a
21 partnership interest accurately representing his or her
22 percentage distributional interest in the profits, losses, and
23 assets of a partnership or limited partnership, (2) intends to
24 retain ownership of the partnership interest for at least 5
25 years, and (3) is a resident of Illinois.

26 Any person attempting to take deer shall first obtain a
27 "Deer Hunting Permit" in accordance with prescribed
28 regulations set forth in an Administrative Rule. Deer Hunting
29 Permits shall be issued by the Department. The fee for a Deer
30 Hunting Permit to take deer with either bow and arrow or gun
31 shall not exceed \$15.00 for residents of the State. The
32 Department may by administrative rule provide for non-resident
33 deer hunting permits for which the fee will not exceed \$395
34 ~~\$200~~ except as provided below for non-resident landowners and
35 non-resident archery hunters. The Department may by
36 administrative rule provide for a non-resident archery deer

1 permit consisting of not more than 2 harvest tags at a total
2 cost not to exceed \$420 ~~\$225~~. Permits shall be issued without
3 charge to:

4 (a) Illinois landowners residing in Illinois who own at
5 least 40 acres of Illinois land and wish to hunt their land
6 only,

7 (b) resident tenants of at least 40 acres of commercial
8 agricultural land where they will hunt, and

9 (c) Bona fide equity shareholders of a corporation,
10 bona fide equity members of a limited liability company, or
11 bona fide equity partners of a general or limited
12 partnership which owns at least 40 acres of land in a
13 county in Illinois who wish to hunt on the corporation's,
14 company's, or partnership's land only. One permit shall be
15 issued without charge to one bona fide equity shareholder,
16 one bona fide equity member, or one bona fide equity
17 partner for each 40 acres of land owned by the corporation,
18 company, or partnership in a county; however, the number of
19 permits issued without charge to bona fide equity
20 shareholders of any corporation or bona fide equity members
21 of a limited liability company in any county shall not
22 exceed 15, and shall not exceed 3 in the case of bona fide
23 equity partners of a partnership.

24 Bona fide landowners or tenants who do not wish to hunt
25 only on the land they own, rent, or lease or bona fide equity
26 shareholders, bona fide equity members, or bona fide equity
27 partners who do not wish to hunt only on the land owned by the
28 corporation, limited liability company, or partnership shall
29 be charged the same fee as the applicant who is not a
30 landowner, tenant, bona fide equity shareholder, bona fide
31 equity member, or bona fide equity partner. Nonresidents of
32 Illinois who own at least 40 acres of land and wish to hunt on
33 their land only shall be charged a fee set by administrative
34 rule. The method for obtaining these permits shall be
35 prescribed by administrative rule.

36 The deer hunting permit issued without fee shall be valid

1 on all farm lands which the person to whom it is issued owns,
2 leases or rents, except that in the case of a permit issued to
3 a bona fide equity shareholder, bona fide equity member, or
4 bona fide equity partner, the permit shall be valid on all
5 lands owned by the corporation, limited liability company, or
6 partnership in the county.

7 The standards and specifications for use of guns and bow
8 and arrow for deer hunting shall be established by
9 administrative rule.

10 No person may have in his possession any firearm not
11 authorized by administrative rule for a specific hunting season
12 when taking deer.

13 Persons having a firearm deer hunting permit shall be
14 permitted to take deer only during the period from 1/2 hour
15 before sunrise to sunset, and only during those days for which
16 an open season is established for the taking of deer by use of
17 shotgun, handgun, or muzzle loading rifle.

18 Persons having an archery deer hunting permit shall be
19 permitted to take deer only during the period from 1/2 hour
20 before sunrise to 1/2 hour after sunset, and only during those
21 days for which an open season is established for the taking of
22 deer by use of bow and arrow.

23 It shall be unlawful for any person to take deer by use of
24 dogs, horses, automobiles, aircraft or other vehicles, or by
25 the use of salt or bait of any kind. An area is considered as
26 baited during the presence of and for 10 consecutive days
27 following the removal of bait. Nothing in this Section shall
28 prohibit the use of a dog to track wounded deer. Any person
29 using a dog for tracking wounded deer must maintain physical
30 control of the dog at all times by means of a maximum 50 foot
31 lead attached to the dog's collar or harness. Tracking wounded
32 deer is permissible at night, but at no time outside of legal
33 deer hunting hours or seasons shall any person handling or
34 accompanying a dog being used for tracking wounded deer be in
35 possession of any firearm or archery device. Persons tracking
36 wounded deer with a dog during the firearm deer seasons shall

1 wear blaze orange as required. Dog handlers tracking wounded
2 deer with a dog are exempt from hunting license and deer permit
3 requirements so long as they are accompanied by the licensed
4 deer hunter who wounded the deer.

5 It shall be unlawful to possess or transport any wild deer
6 which has been injured or killed in any manner upon a public
7 highway or public right-of-way of this State unless exempted by
8 administrative rule.

9 Persons hunting deer must have gun unloaded and no bow and
10 arrow device shall be carried with the arrow in the nocked
11 position during hours when deer hunting is unlawful.

12 It shall be unlawful for any person, having taken the legal
13 limit of deer by gun, to further participate with gun in any
14 deer hunting party.

15 It shall be unlawful for any person, having taken the legal
16 limit of deer by bow and arrow, to further participate with bow
17 and arrow in any deer hunting party.

18 The Department may prohibit upland game hunting during the
19 gun deer season by administrative rule.

20 It shall be legal for handicapped persons, as defined in
21 Section 2.33, to utilize a crossbow device, as defined in
22 Department rules, to take deer.

23 Any person who violates any of the provisions of this
24 Section, including administrative rules, shall be guilty of a
25 Class B misdemeanor.

26 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
27 92-651, eff. 7-11-02; 93-554, eff. 8-20-03; 93-807, eff.
28 7-24-04; 93-823, eff. 1-1-05; revised 10-14-04.)

29 (520 ILCS 5/3.37) (from Ch. 61, par. 3.37)

30 Sec. 3.37. The Department of Natural Resources has the
31 authority to designate agents to sell licenses, stamps and
32 permits on behalf of the Department. Any person receiving
33 licenses from the Department for sale as provided for in this
34 Section, shall execute and deliver receipts therefor; and shall
35 on dates specified by the Department report in writing to the

1 Department the number and kind of licenses sold, and shall,
2 with such reports, make remittances to the Department covering
3 the amounts received from such sales. Failure on the part of
4 any clerk or agent to fully comply with this Act, including
5 administrative rules, shall be justification for the
6 Department to cancel or withdraw the issuance of licenses
7 through such clerks or agents. A Federal Migratory Bird Hunting
8 and Conservation Stamp shall be deemed a license for the
9 purpose of this Section. Any person authorized by the
10 Department including any county, city, village, township, or
11 incorporated town clerk issuing licenses, permits or stamps
12 provided for in this Act, may add the following as the fees for
13 issuing such licenses: 75 cents in the case of Sportsmen's
14 Combination Licenses or nonresident hunting licenses, and 50
15 cents in the case of all other licenses, permits and stamps.
16 However, such clerks shall remit to the treasurer of the
17 political subdivision of which he is an officer or employee,
18 the added fees or any portion thereof he or she collects
19 provided in this Section. Issuing fees may be divided between
20 such clerks and their appointed subagents other than employees
21 of the clerk's office, but in no case may any clerk or subagent
22 charge an issuing fee or fees totaling more than the issuing
23 fee set out in this Section. No person, or subagent of any
24 county, city, village, township or incorporated town clerk may
25 charge a service fee for issuing licenses provided for in this
26 Act, and the charging of fees for issuing such licenses in
27 excess of the fees authorized is a petty offense. All fees,
28 less issuing fees, collected from the sale of licenses and
29 permits and not remitted to the Department as provided in this
30 Section, shall be deemed to have been embezzled and the person
31 or officer responsible for such remittance is subject to
32 prosecution. Any person authorized to issue licenses by
33 telephone and electronic transmission or incurring costs for
34 customer convenience may charge in addition to the "issuing
35 fee" authorized by this Section a fee not to exceed an amount
36 set by the Department, by administrative rule, to cover the

1 transaction cost.

2 The Department may establish and collect a reasonable fee
3 (application fee) for the processing and handling of
4 applications for permits and licenses. The fees collected shall
5 be deposited into the Illinois Department of Natural Resources
6 Permitting Revolving Fund and are not to exceed defraying costs
7 associated with processing, handling, and mailing of refunds of
8 permits and licenses and costs associated with automated fish
9 and wildlife data systems. Fees collected by the Department
10 shall not exceed 5% of the costs of fees charged for the
11 purchase of permits or licenses.

12 (Source: P.A. 89-445, eff. 2-7-96; 90-225, eff. 7-25-97;
13 90-743, eff. 1-1-99.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.